

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JUAN GARCIA,

Defendant.

CASE NO. 8:05CR94

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation (Filing No. 201) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to suppress (Filing No. 184). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing the Defendant's stop and arrest, arguing that probable cause did not support the Defendant's stop and arrest.¹ Judge Gossett determined that probable cause existed for the stop and arrest in light of the outstanding warrant.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the transcript (Filing No. 212). Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

¹The motion, filed without a brief, referred to a warrantless stop. However, there was an outstanding federal warrant for the Defendant's arrest. The Defendant did not seek to suppress any evidence, and no statements were made. The Court suggests that in the future counsel fully evaluate the facts and the law prior to filing a motion to suppress.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 201) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 184) is denied.

DATED this 8th day of May, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge